

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SELENA THOMPSON, JON M.  
STEWART, CHRISTINE OST, and  
JACOB MANNING, on behalf of  
themselves and all other employees  
similarly situated,

Plaintiffs,

v.

JIMMY JOHN’S FRANCHISE, LLC,  
JIMMY JOHN’S ENTERPRISES, LLC,  
JIMMY JOHN’S, LLC, SPIN THE  
PLANET, INC., STP JJ TEAM 1, LLC,  
d/b/a SPIN THE PLANET  
ENTERPRISES, d/b/a JIMMY JOHN’S,  
WTE, INC., and DANIEL  
VANSTEENBURG,

Defendants.

Case File No. 18-cv-06755

**STP DEFENDANTS’ NOTICE OF  
MOTION TO STAY**

MOTION BY:

Defendants Spin The Planet, Inc.; STP JJ  
Team 1, LLC, d/b/a Spin The Planet  
Enterprises, d/b/a Jimmy John’s; WTE,  
Inc.; and Daniel Vansteenburgh  
(collectively, the “STP Defendants”)

RELIEF REQUESTED:

Motion To Stay Conditioned on Payment  
of Costs

BASIS FOR RELIEF REQUESTED:

Pursuant to Fed.R.Civ.P. 41(d), the STP  
Defendants request that the Court stay this

second-filed action unless and until Plaintiffs pay to the STP Defendants their reasonable costs incurred in defending an action brought by, and subsequently dismissed by Plaintiffs, prior to recommencing the same action against the same Defendants.

SUPPORTING PAPERS:

The STP Defendants' Memorandum of Law In Support Of Their Motion To Stay Conditioned on Payment of Costs

PLACE:

United States District Court Western District of New York U.S. Courthouse.

RETURN DATE

To be determined by the Court.

REPLY:

Pursuant to L.R.Civ.P. 7(a)(1), The STP Defendants intend to file and serve reply papers.

Dated: December 3, 2018

s/ Joseph Sokolowski

Mary L. Fee

Joseph Sokolowski *pro hac vice*

**FREDRIKSON & BYRON, P.A.**

200 South Sixth Street, Suite 4000

Minneapolis, MN 55402-1425

Telephone: 612.492.7000

*Attorneys for STP Defendants*

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 3, 2018, I caused the attached document to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

J. Nelson Thomas, Esq.  
nthomas@theemploymentattorneys.com  
Michael J. Lingle, Esq.  
mlingle@theemploymentattorneys.com  
Annette Gifford  
agifford@theemploymentattorneys.com  
693 East Avenue  
Rochester, New York 14607  
Telephone: (585) 272-0540

Gerald L. Maatman, Jr.  
gmaatman@seyfarth.com  
Matthew Gagnon  
mgagnon@seyfarth.com  
233 South Wacker Drive  
Suite 8000  
Chicago, IL 60606-6448  
312-460-5237 (office)  
312-460-7237 (fax)

Dated: December 3, 2018

s/ Mary L. Fee

Mary L. Fee